

## Speech On Declaration Of War On Mexico, 1848

SPEECH IN THE UNITED STATES HOUSE OF REPRESENTATIVES, JANUARY 12, 1848.

MR CHAIRMAN:--Some if not all the gentlemen on the other side of the House who have addressed the committee within the last two days have spoken rather complainingly, if I have rightly understood them, of the vote given a week or ten days ago declaring that the war with Mexico was unnecessarily and unconstitutionally commenced by the President. I admit that such a vote should not be given in mere party wantonness, and that the one given is justly censurable if it have no other or better foundation. I am one of those who joined in that vote; and I did so under my best impression of the truth of the case. How I got this impression, and how it may possibly be remedied, I will now try to show. When the war began, it was my opinion that all those who because of knowing too little, or because of knowing too much, could not conscientiously approve the conduct of the President in the beginning of it should nevertheless, as good citizens and patriots, remain silent on that point, at least till the war should be ended. Some leading Democrats, including ex-President Van Buren, have taken this same view, as I understand them; and I adhered to it and acted upon it, until since I took my seat here; and I think I should still adhere to it were it not that the President and his friends will not allow it to be so. Besides the continual effort of the President to argue every silent vote given for supplies into an indorsement of the justice and wisdom of his conduct; besides that singularly candid paragraph in his late message in which he tells us that Congress with great unanimity had declared that "by the act of the Republic of Mexico, a state of war exists between that government and the United States," when the same journals that informed him of this also informed him that when that declaration stood disconnected from the question of supplies sixty-seven in the House, and not fourteen merely, voted against it; besides this open attempt to prove by telling the truth what he could not prove by telling the whole truth--demanding of all who will not submit to be misrepresented, in justice to themselves, to speak out, besides all this, one of my colleagues [Mr. Richardson] at a very early day in the session brought in a set of resolutions expressly indorsing the original justice of the war on the part of the President. Upon these resolutions when they shall be put on their passage I shall be compelled to vote; so that I cannot be silent if I would. Seeing this, I went about preparing myself to give the vote understandingly when it should come. I carefully examined the President's message, to ascertain what he himself had said and proved upon the point. The result of this examination was to make the impression that, taking for true all the President states as facts, he falls far short of proving his justification; and that the President would have gone further with his proof if it had not been for the small matter that the truth would not permit him. Under the impression thus made I gave the vote before mentioned. I propose now to give concisely the process of the examination I made, and how I reached the conclusion I did. The President, in his first war message of May, 1846, declares that the soil was ours on which hostilities were commenced by Mexico, and he repeats that declaration almost in the same language in each successive annual message, thus showing that he deems that point a highly essential one. In the importance of that point I entirely agree with the President. To my judgment it is the very point upon which he should be justified, or condemned. In his message of December, 1846, it seems to have occurred to him, as is certainly true, that title-ownership-to soil or anything else is not a simple fact, but is a conclusion following on one or more simple facts; and that it was incumbent upon him to present the facts from which he concluded the soil was ours on which the first blood of the war was shed.

Accordingly, a little below the middle of page twelve in the message last referred to, he enters upon that task; forming an issue and introducing testimony, extending the whole to a little below the middle of page fourteen. Now, I propose to try to show that the whole of this--issue and evidence--is from beginning to end the sheerest deception. The issue, as he presents it, is in these words: "But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces, instead of the Rio Grande; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texas line and invaded the territory of Mexico." Now this issue is made up of two affirmatives and no negative. The main deception of it is that it assumes as true that one river or the other is necessarily the boundary; and cheats the superficial thinker entirely out of the idea that possibly the boundary is somewhere between the two, and not actually at either. A further deception is that it will let in evidence which a true issue would exclude. A true issue made by the President would be about as follows: "I say the soil was ours, on which the first blood was shed; there are those who say it was not."

I now proceed to examine the President's evidence as applicable to such an issue. When that evidence is analyzed, it is all included in the following propositions:

- (1) That the Rio Grande was the western boundary of Louisiana as we purchased it of France in 1803.
- (2) That the Republic of Texas always claimed the Rio Grande as her eastern boundary.
- (3) That by various acts she had claimed it on paper.
- (4) That Santa Anna in his treaty with Texas recognized the Rio Grande as her boundary.
- (5) That Texas before, and the United States after, annexation had exercised jurisdiction beyond the Nueces--between the two rivers.
- (6) That our Congress understood the boundary of Texas to extend beyond the Nueces.

Now for each of these in its turn. His first item is that the Rio Grande was the western boundary of Louisiana, as we purchased it of France in 1803; and seeming to expect this to be disputed, he argues over the amount of nearly a page to prove it true, at the end of which he lets us know that by the treaty of 1803 we sold to Spain the whole country from the Rio Grande eastward to the Sabine. Now, admitting for the present that the Rio Grande was the boundary of Louisiana, what under heaven had that to do with the present boundary between us and Mexico? How, Mr. Chairman, the line that once divided your land from mine can still be the boundary between us after I have sold my land to you is to me beyond all comprehension. And how any man, with an honest purpose only of proving the truth, could ever have thought of introducing such a fact to prove such an issue is equally incomprehensible. His next piece of evidence is that "the Republic of Texas always claimed this river [Rio Grande] as her western boundary." That is not true, in fact. Texas has claimed it, but she has not always claimed it. There is at least one distinguished exception. Her State constitution the republic's most solemn and well-considered act, that which may, without impropriety, be called her last will and testament, revoking all others--makes no such claim. But suppose she had always claimed it. Has not Mexico always claimed the contrary? So that there is but claim against claim, leaving nothing proved until we get back of the claims and find which has the better foundation. Though not in the order in which the President presents his evidence, I now consider that class of his statements which are in substance nothing more than that Texas has, by various acts of her Convention and Congress, claimed the Rio Grande as her boundary, on paper. I mean here what he says about the fixing of the Rio Grande as her boundary in her old constitution (not her State constitution), about forming Congressional districts, counties, etc. Now all of this is but naked claim; and what I have already said about claims is strictly applicable to this. If I should claim your land by word of mouth, that certainly would not make it mine; and if I were to claim it by a deed which I had made myself, and with which you had had nothing to do, the claim would be quite the same in substance--or rather, in utter nothingness. I next consider the President's statement that Santa Anna in his treaty with Texas recognized the Rio Grande as the western boundary of Texas. Besides the position so often taken, that Santa Anna while a prisoner of war, a captive, could not bind Mexico by a treaty, which I deem conclusive--besides this, I wish to say something in relation to this treaty, so called by the President, with Santa Anna. If any man would like to be amused by a sight of that little thing which the President calls by that big name, he can have it by turning to Niles's Register, vol. 1, p. 336. And if any one should suppose that Niles's Register is a curious repository of so mighty a document as a solemn treaty between nations, I can only say that I learned to a tolerable degree of certainty, by inquiry at the State Department, that the President himself never saw it anywhere else. By the way, I believe I should not err if I were to declare that during the first ten years of the existence of that document it was never by anybody called a treaty--that it was never so called till the President, in his extremity, attempted by so calling it to wring something from it in justification of himself in connection with the Mexican War. It has none of the distinguishing features of a treaty. It does not call itself a treaty. Santa Anna does not therein assume to bind Mexico; he assumes only to act as the President--Commander-in-Chief of the Mexican army and navy; stipulates that the then present hostilities should cease, and that he would not himself take up arms, nor influence the Mexican people to take up arms, against Texas during the existence of the war of independence. He did not recognize the independence of Texas; he did not assume to put an end to the war, but clearly indicated his expectation of its continuance; he did not say one word

about boundary, and, most probably, never thought of it. It is stipulated therein that the Mexican forces should evacuate the territory of Texas, passing to the other side of the Rio Grande; and in another article it is stipulated that, to prevent collisions between the armies, the Texas army should not approach nearer than within five leagues--of what is not said, but clearly, from the object stated, it is of the Rio Grande. Now, if this is a treaty recognizing the Rio Grande as the boundary of Texas, it contains the singular feature of stipulating that Texas shall not go within five leagues of her own boundary.

Next comes the evidence of Texas before annexation, and the United States afterwards, exercising jurisdiction beyond the Nueces and between the two rivers. This actual exercise of jurisdiction is the very class or quality of evidence we want. It is excellent so far as it goes; but does it go far enough? He tells us it went beyond the Nueces, but he does not tell us it went to the Rio Grande. He tells us jurisdiction was exercised between the two rivers, but he does not tell us it was exercised over all the territory between them. Some simple-minded people think it is possible to cross one river and go beyond it without going all the way to the next, that jurisdiction may be exercised between two rivers without covering all the country between them. I know a man, not very unlike myself, who exercises jurisdiction over a piece of land between the Wabash and the Mississippi; and yet so far is this from being all there is between those rivers that it is just one hundred and fifty-two feet long by fifty feet wide, and no part of it much within a hundred miles of either. He has a neighbor between him and the Mississippi--that is, just across the street, in that direction--whom I am sure he could neither persuade nor force to give up his habitation; but which nevertheless he could certainly annex, if it were to be done by merely standing on his own side of the street and claiming it, or even sitting down and writing a deed for it.

But next the President tells us the Congress of the United States understood the State of Texas they admitted into the Union to extend beyond the Nueces. Well, I suppose they did. I certainly so understood it. But how far beyond? That Congress did not understand it to extend clear to the Rio Grande is quite certain, by the fact of their joint resolutions for admission expressly leaving all questions of boundary to future adjustment. And it may be added that Texas herself is proven to have had the same understanding of it that our Congress had, by the fact of the exact conformity of her new constitution to those resolutions.

I am now through the whole of the President's evidence; and it is a singular fact that if any one should declare the President sent the army into the midst of a settlement of Mexican people who had never submitted, by consent or by force, to the authority of Texas or of the United States, and that there and thereby the first blood of the war was shed, there is not one word in all the which would either admit or deny the declaration. This strange omission it does seem to me could not have occurred but by design. My way of living leads me to be about the courts of justice; and there I have sometimes seen a good lawyer, struggling for his client's neck in a desperate case, employing every artifice to work round, befog, and cover up with many words some point arising in the case which he dared not admit and yet could not deny. Party bias may help to make it appear so, but with all the allowance I can make for such bias, it still does appear to me that just such, and from just such necessity, is the President's struggle in this case.

Sometime after my colleague [Mr. Richardson] introduced the resolutions I have mentioned, I introduced a preamble, resolution, and interrogations, intended to draw the President out, if possible, on this hitherto untrodden ground. To show their relevancy, I propose to state my understanding of the true rule for ascertaining the boundary between Texas and Mexico. It is that wherever Texas was exercising jurisdiction was hers; and wherever Mexico was exercising jurisdiction was hers; and that whatever separated the actual exercise of jurisdiction of the one from that of the other was the true boundary between them. If, as is probably true, Texas was exercising jurisdiction along the western bank of the Nueces, and Mexico was exercising it along the eastern bank of the Rio Grande, then neither river was the boundary: but the uninhabited country between the two was. The extent of our territory in that region depended not on any treaty-fixed boundary (for no treaty had attempted it), but on revolution. Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right--a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with or near about them, who may oppose this

movement. Such minority was precisely the case of the Tories of our own revolution. It is a quality of revolutions not to go by old lines or old laws, but to break up both, and make new ones.

As to the country now in question, we bought it of France in 1803, and sold it to Spain in 1819, according to the President's statements. After this, all Mexico, including Texas, revolutionized against Spain; and still later Texas revolutionized against Mexico. In my view, just so far as she carried her resolution by obtaining the actual, willing or unwilling, submission of the people, so far the country was hers, and no farther. Now, sir, for the purpose of obtaining the very best evidence as to whether Texas had actually carried her revolution to the place where the hostilities of the present war commenced, let the President answer the interrogatories I proposed, as before mentioned, or some other similar ones. Let him answer fully, fairly, and candidly. Let him answer with facts and not with arguments. Let him remember he sits where Washington sat, and so remembering, let him answer as Washington would answer. As a nation should not, and the Almighty will not, be evaded, so let him attempt no evasion--no equivocation. And if, so answering, he can show that the soil was ours where the first blood of the war was shed,--that it was not within an inhabited country, or, if within such, that the inhabitants had submitted themselves to the civil authority of Texas or of the United States, and that the same is true of the site of Fort Brown, then I am with him for his justification. In that case I shall be most happy to reverse the vote I gave the other day. I have a selfish motive for desiring that the President may do this--I expect to gain some votes, in connection with the war, which, without his so doing, will be of doubtful propriety in my own judgment, but which will be free from the doubt if he does so. But if he can not or will not do this,--if on any pretence or no pretence he shall refuse or omit it then I shall be fully convinced of what I more than suspect already that he is deeply conscious of being in the wrong; that he feels the blood of this war, like the blood of Abel, is crying to heaven against him; that originally having some strong motive--what, I will not stop now to give my opinion concerning to involve the two countries in a war, and trusting to escape scrutiny by fixing the public gaze upon the exceeding brightness of military glory,--that attractive rainbow that rises in showers of blood, that serpent's eye that charms to destroy,--he plunged into it, and was swept on and on till, disappointed in his calculation of the ease with which Mexico might be subdued, he now finds himself he knows not where. How like the half insane mumbling of a fever dream is the whole war part of his late message! At one time telling us that Mexico has nothing whatever that we can get--but territory; at another showing us how we can support the war by levying contributions on Mexico. At one time urging the national honor, the security of the future, the prevention of foreign interference, and even the good of Mexico herself as among the objects of the war; at another telling us that "to reject indemnity, by refusing to accept a cession of territory, would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object." So then this national honor, security of the future, and everything but territorial indemnity may be considered the no-purposes and indefinite objects of the war! But, having it now settled that territorial indemnity is the only object, we are urged to seize, by legislation here, all that he was content to take a few months ago, and the whole province of Lower California to boot, and to still carry on the war to take all we are fighting for, and still fight on. Again, the President is resolved under all circumstances to have full territorial indemnity for the expenses of the war; but he forgets to tell us how we are to get the excess after those expenses shall have surpassed the value of the whole of the Mexican territory. So again, he insists that the separate national existence of Mexico shall be maintained; but he does not tell us how this can be done, after we shall have taken all her territory. Lest the questions I have suggested be considered speculative merely, let me be indulged a moment in trying to show they are not. The war has gone on some twenty months; for the expenses of which, together with an inconsiderable old score, the President now claims about one half of the Mexican territory, and that by far the better half, so far as concerns our ability to make anything out of it. It is comparatively uninhabited; so that we could establish land-offices in it, and raise some money in that way. But the other half is already inhabited, as I understand it, tolerably densely for the nature of the country, and all its lands, or all that are valuable, already appropriated as private property. How then are we to make anything out of these lands with this encumbrance on them? or how remove the encumbrance? I suppose no one would say we should kill the people, or drive them out, or make slaves of them, or confiscate their property. How, then, can we make much out of this part of the territory? If the prosecution of the war has in expenses already equalled the better half of the country, how long its future prosecution will be in equalling the less valuable half is not a speculative, but a practical, question, pressing closely upon us. And yet it is a question which the President seems never to have thought of. As to the mode of terminating the war and securing peace, the President is equally wandering and indefinite. First, it is to be done by a more vigorous prosecution of the war in the vital parts of the enemy's country; and after apparently talking himself tired on

this point, the President drops down into a half-despairing tone, and tells us that "with a people distracted and divided by contending factions, and a government subject to constant changes by successive revolutions, the continued success of our arms may fail to secure a satisfactory peace." Then he suggests the propriety of wheedling the Mexican people to desert the counsels of their own leaders, and, trusting in our protestations, to set up a government from which we can secure a satisfactory peace; telling us that "this may become the only mode of obtaining such a peace." But soon he falls into doubt of this too; and then drops back on to the already half-abandoned ground of "more vigorous prosecution." All this shows that the President is in nowise satisfied with his own positions. First he takes up one, and in attempting to argue us into it he argues himself out of it, then seizes another and goes through the same process, and then, confused at being able to think of nothing new, he snatches up the old one again, which he has some time before cast off. His mind, taxed beyond its power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease.

Again, it is a singular omission in this message that it nowhere intimates when the President expects the war to terminate. At its beginning, General Scott was by this same President driven into disfavor if not disgrace, for intimating that peace could not be conquered in less than three or four months. But now, at the end of about twenty months, during which time our arms have given us the most splendid successes, every department and every part, land and water, officers and privates, regulars and volunteers, doing all that men could do, and hundreds of things which it had ever before been thought men could not do--after all this, this same President gives a long message, without showing us that as to the end he himself has even an imaginary conception. As I have before said, he knows not where he is. He is a bewildered, confounded, and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than his mental perplexity.

The following is a copy of the so-called "treaty" referred to in the speech:

"Articles of Agreement entered into between his Excellency David G. Burnet, President of the Republic of Texas, of the one part, and his Excellency General Santa Anna, President-General-in-Chief of the Mexican army, of the other part:

"Article I. General Antonio Lopez de Santa Anna agrees that he will not take up arms, nor will he exercise his influence to cause them to be taken up, against the people of Texas during the present war of independence.

"Article II. All hostilities between the Mexican and Texan troops will cease immediately, both by land and water.

"Article III. The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande Del Norte.

"Article IV. The Mexican army, in its retreat, shall not take the property of any person without his consent and just indemnification, using only such articles as may be necessary for its subsistence, in cases when the owner may not be present, and remitting to the commander of the army of Texas, or to the commissioners to be appointed for the adjustment of such matters, an account of the value of the property consumed, the place where taken, and the name of the owner, if it can be ascertained.

"Article V. That all private property, including cattle, horses, negro slaves, or indentured persons, of whatever denomination, that may have been captured by any portion of the Mexican army, or may have taken refuge in the said army, since the commencement of the late invasion, shall be restored to the commander of the Texan army, or to such other persons as may be appointed by the Government of Texas to receive them.

"Article VI. The troops of both armies will refrain from coming in contact with each other; and to this end the commander of the army of Texas will be careful not to approach within a shorter distance than five leagues.

"Article VII. The Mexican army shall not make any other delay on its march than that which is necessary to take up their hospitals, baggage, etc., and to cross the rivers; any delay not necessary to these purposes to be considered an infraction of this agreement.

"Article VIII. By an express, to be immediately despatched, this agreement shall be sent to General Vincente Filisola and to General T. J. Rusk, commander of the Texan army, in order that they may be apprised of its stipulations; and to this end they will exchange engagements to comply with the same.

"Article IX. That all Texan prisoners now in the possession of the Mexican army, or its authorities, be forthwith released, and furnished with free passports to return to their homes; in consideration of which a corresponding number of Mexican prisoners, rank and file, now in possession of the Government of Texas shall be immediately released; the remainder of the Mexican prisoners that continue in the possession of the Government of Texas to be treated with due humanity,--any extraordinary comforts that may be furnished them to be at the charge of the Government of Mexico.

"Article X. General Antonio Lopez de Santa Anna will be sent to Vera Cruz as soon as it shall be deemed proper.

"The contracting parties sign this instrument for the abovementioned purposes, in duplicate, at the port of Velasco, this fourteenth day of May, 1836.

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